

SCHWARTZER & MCPHERSON LAW FIRM  
 2850 South Jones Boulevard, Suite 1  
 Las Vegas, Nevada 89146-5308  
 Tel: (702) 228-7590 • Fax: (702) 892-0122

1 Annette W. Jarvis, Utah Bar No. 1649  
 2 Steven C. Strong, Utah Bar No. 6340  
 3 RAY QUINNEY & NEBEKER P.C.  
 36 South State Street, Suite 1400  
 4 P.O. Box 45385  
 5 Salt Lake City, Utah 84145-0385  
 Telephone: (801) 532-1500  
 Facsimile: (801) 532-7543  
 Email: [ajarvis@rqn.com](mailto:ajarvis@rqn.com)  
 6  
 7 Lenard E. Schwartzer, Nevada Bar No. 0399  
 Jeanette E. McPherson, Nevada Bar No. 5423  
 8 SCHWARTZER & MCPHERSON LAW FIRM  
 2850 South Jones Boulevard, Suite 1  
 9 Las Vegas, Nevada 89146-5308  
 Telephone: (702) 228-7590  
 Facsimile: (702) 892-0122  
 E-Mail: [bkfilings@s-mlaw.com](mailto:bkfilings@s-mlaw.com)  
 10 Attorneys for Debtors and Debtors-in-Possession  
 11  
 12

**UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF NEVADA**

13  
 14  
 15 In re:  
 16 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

17 In re:  
 18 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

Chapter 11

19 In re:  
 20 USA CAPITAL DIVERSIFIED TRUST DEED  
 FUND, LLC,  
 Debtor.

Jointly Administered Under  
 Case No. BK-S-06-10725 LBR

21 In re:  
 22 USA CAPITAL FIRST TRUST DEED FUND,  
 LLC,  
 Debtor.

**NOTICE OF HEARING ON USA  
 CAPITAL REALTY ADVISORS, LLC'S  
 MOTION FOR SUMMARY  
 JUDGMENT  
 (Affects USA Capital Realty Advisors,  
 LLC)**

23 In re:  
 24 USA SECURITIES, LLC,  
 Debtor.

25 Affects:  
 26    All Debtors  
    USA Commercial Mortgage Company  
    USA Securities, LLC  
 27    USA Capital Realty Advisors, LLC  
    USA Capital Diversified Trust Deed Fund, LLC  
    USA Capital First Trust Deed Fund, LLC

Date of Hearing: December 20, 2007  
 Time of Hearing: 9:30 a.m.

1 NOTICE IS HEREBY GIVEN that Capital Realty Advisors, LLC (“USA Realty”), by and  
 2 through its counsel, has filed a Motion for Summary Judgment (“Motion”) seeking summary  
 3 judgment in favor of USA Realty on the basis that it has no liability on account of proofs of claim  
 4 numbered 41 and 57 filed by the Margaret B. McGimsey Trust in the amount of \$96,094.75 each;  
 5 42 and 56 filed by Sharon or Jerry McGimsey in the amount of \$311,091.58 each; 43 and 55 filed  
 6 by Johnny Clark in the amount of \$99,467.90 each; and 44 and 54 filed by Bruce McGimsey in  
 7 the amount of \$86,171.22 each, all of which were filed as general, unsecured claims.

8 Any Opposition must be filed pursuant to Local Rule 9014(d)(1).

9 Local Rule 9014(d)(1): “Oppositions to a motion must be filed and  
 10 service must be completed on the movant no later than fifteen (15) days after the motion is served except as provided by LR 3007(b)  
 11 and LR 9006. If the hearing has been set on less than fifteen (15) days’ notice, the opposition must be filed no later than five (5) business days before the hearing, unless the court orders otherwise.  
 12 The opposition must set forth all relevant facts and any relevant legal authority. An opposition must be supported by affidavits or declarations that conform to the provisions of subsection (c) of this rule.”

16 If you object to the relief requested, you *must* file a WRITTEN response to this  
 17 pleading with the court. You *must* also serve your written response on the person who sent  
 18 you this notice.

19 If you do not file a written response with the court, or if you do not serve your written  
 20 response on the person who sent you this notice, then:

- 21 • The court may *refuse to allow you to speak* at the scheduled hearing; and
- 22 • The court may *rule against you* without formally calling the matter at the hearing.

24 A copy of the Motion may be obtained by accessing BMC Group, Inc.’s website at  
 25 [www.bmcgroup.com/usacmc](http://www.bmcgroup.com/usacmc), by accessing PACER through the United States Bankruptcy Court  
 26 website for Nevada at [www.nvb.uscourts.gov](http://www.nvb.uscourts.gov), by contacting BMC Group at telephone: (888) 909-  
 27 0100, or by contacting the office of the Debtor’s counsel, Schwartzzer & McPherson Law Firm,  
 28 telephone: (702) 228-7590 or fax: (702) 892-0122.

NOTICE IS FURTHER GIVEN that the hearing on the Motion may be continued without further notice.

NOTICE IS FURTHER GIVEN that the hearing on the Motion will be held before a United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South, 3<sup>rd</sup> Floor, Las Vegas, Nevada on **December 20, 2007 at 9:30 a.m.**

Respectfully submitted this 2nd day of November, 2007.

/s/ Lenard E. Schwartzer, Esq.

Lenard E. Schwartzer, Nevada Bar No. 0399  
Jeanette E. McPherson, Nevada Bar No. 5423  
**SCHWARTZER & MCPHERSON LAW FIRM**  
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